

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

RUTHIE L. WINDSOR,)	
)	
PLAINTIFF,)	
)	
v.)	CASE NO. 1:05-cv-1196-MEF
)	
SECRETARY OF THE ARMY,)	
FRANCIS J. HARVEY,)	
)	
DEFENDANT.)	

ORDER

It has come to the Court's attention that the parties have failed to comply with the requirements of Section 3 of the Uniform Scheduling Order (Doc. # 10) entered by this Court on March 30, 2006, with respect to its requirement of conducting a face-to-face settlement conference at which counsel for all parties engage in good faith settlement negotiations. Pursuant to this Court's Order the face-to-face settlement conference was to have been completed on or before **November 14, 2006**. Section 3 also requires counsel for the plaintiff to file a "Notice Concerning Settlement Conference and Mediation" indicating: (1) that a face-to-face settlement conference was conducted; (2) whether settlement was reached at the mandatory face-to-face settlement conference; and (3) whether the parties believe mediation will assist them in resolving this case short of trial. Counsel for plaintiff is required to submit the Notice Concerning Settlement Conference and Mediation **within five days of the face-to-face settlement conference**. As of the date of this Order, the mandatory Notice

Concerning Settlement Conference and Mediation has not been filed as required.

Plaintiff's counsel has on many previous occasions failed to comply with this very same requirement in the Uniform Scheduling Orders issued by this Court. Consequently, in the Court's view, it is currently faced with a situation in which Plaintiff's counsel has developed a pattern of either wilful disobedience to this Court's Orders or an unacceptable level of carelessness in developing a system to guarantee compliance with deadlines imposed by such Orders.

It is hereby ORDERED that:

- a. Plaintiff's counsel file the Notice Concerning Settlement Conference and Mediation by **December 7, 2006**.
- b. Plaintiff's counsel must show cause by **December 7, 2006**, why the Court should not sanction him pursuant to Federal Rule of Civil Procedure 16(f) for failure to comply with the Uniform Scheduling Order in this case, especially in light of his pattern of failing to comply with the requirements of Section 3 of the Uniform Scheduling Orders entered in several other cases.

DONE this the 30th day of November, 2006.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE